

32. After the jury verdict in the RIM Action, the United States Patent and Trademark Office (“PTO”) initiated reexamination of the ‘946, ‘670, ‘172, ‘451, ‘592 and ‘472 Patents and granted RIM’s petitions for reexamination of the ‘960 and ‘611 Patents. RIM subsequently filed requests for reexamination of the other patents-in-suit. The PTO Examiner rejected all the claims of the patents-in-suit.

33. All of the reexaminations eventually were terminated or appealed to the PTO’s Board of Patent Appeals and Interferences (the “Board”). The Board has rendered decisions for each of the reexaminations. The Board has confirmed or allowed 67 of NTP’s patent claims after reexamination. The following chart summarizes the Board’s decisions concerning the reexaminations of the patents-in-suit:

Patent No.	Reexam No.	Status	Claims Confirmed/Allowed by the Board
5,436,960	90/006,533 90/006,675 90/007,731	Affirmed in part	4, 6, 11, 15, 17, 21, 23, 28, 32, 34, 38, 40, 45, 49, 51, 55, 57, 62, 67, 79
5,438,611	90/006,676	Affirmed	
5,479,472	90/006,677	Affirmed in part	10, 12, 14, 16, 18, 20, 29, 31, 33, 35, 37
5,625,670	90/006,491 90/006,678 90/007,723	Affirmed in part	567-570
5,631,946	90/006,492 90/006,679	Affirmed in part	289, 296-305, 307-309, 314- 329, 333
5,819,172	90/006,493 90/006,680 90/007,735	Affirmed	
6,067,451	90/006,494 90/006,681 90/007,726	Affirmed	
6,317,592	90/006,495 95/000,020	Affirmed	

34. After years of reexamination proceedings, the validity of claims 15, 32, and 34 of the ‘960 patent, which RIM was found to infringe at trial, have been upheld.